

Iowa Department of Natural Resources  
Environmental Protection Commission

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ITEM

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INFORMATION

**TOPIC      Proposed Rule - Amend IAC 567 Chapter 134, Certification of  
Groundwater Professionals and Underground Storage Tank (UST)  
Compliance Inspectors**

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Attached for the Commission's information and review is a Notice of Intended Action to amend administrative rule 567—Chapter 134 "Underground Storage Tank Licensing and Certification"

The Commission adopted the UST Fund Board's existing UST installer and installer inspector licensing rules by emergency rule making in July, 2007. These revised rules are required to initiate a notice of intended action to fully implement a licensing program applicable not only to UST installers and installer inspectors but persons who remove and test USTS.

The commission will be requested to approve this Notice of Intended Action at their February 2009 meeting.

Elaine Douskey, Environmental Program Supervisor  
Land Quality Bureau  
Environmental Protection Division

December 22, 2008

PART C  
UNDERGROUND STORAGE TANK  
LICENSING OF UST PROFESSIONALS

**ITEM 1:** Rescind rule 134.17 and replace with the following:

**567—134.17(455B) Definitions.** As used herein:

“*Cathodic Protection Tester*” means a licensed individual who provides installation, maintenance and testing services on underground storage tank corrosion protection systems.

“*Certificate of noncompliance*” means a document provided by the child support recovery unit certifying that the named obligor is not in compliance with a support order or with a written agreement for payment of support entered into by the unit and the obligor.

“*Child support recovery unit*” means the child support recovery unit created by Iowa Code section 252B.2.

“*Department*” means the Iowa Department of Natural Resources.

“*Installation-inspector*” means a licensed individual who is engaged in the inspection and approval of the installation of underground storage tank systems.

“*Install or Installation*” means the physical construction of an UST system, including, but not limited to, activities such as excavating, backfilling, testing, placement of the tank, underground piping, release detection devices, corrosion protection systems, spill and overfill devices and any associated administrative activities such as notifications, record keeping and record submissions.

“*Installer*” means a licensed individual or company engaged in the installation of a new underground storage tank system or the upgrading of underground storage tank systems.

“*Licensed company*” means a person, or corporate entity which employs at least one person who is required to be licensed under this part.

“*Licensed individual*” means an individual who has received a license to perform any of the activities regulated under this chapter.

*“Liner”* means a licensed company or an individual who provides services to install underground storage tank lining and repair underground storage tanks

*“Maintenance”* means the normal operational upkeep to prevent an UST system from releasing a regulated substance or to ensure that a release is detected.

*“Modification”* means to change an UST system currently in use by the installation of new UST system components. This includes, but is not limited to, the addition of corrosion protection to a previously-lined tank, installation of new underground piping or replacement of existing underground piping, changing the primary release detection method to one of the methods listed in OAR 340-150-0450 through 340-150-0470, or adding secondary containment. *“Modification”* does not include those activities defined as *“repair”* or *“replacement.”*

*“OSHA”* means the Occupational Safety and Health Act.

*“Precision test”* means a tank and line tightness test that meets the requirements in rule 567–135.5(455B)

*“Remover”* means a licensed individual who is engaged in the permanent closure by removal or filling-in place of underground storage tank systems in accordance with 567–135.17(455B).

*“Repair”* to restore any portion of an UST system that has failed, but does not include the activities defined by *“modification”* or *“replacement.”*

*“Replacement”* means to effect a change in any part of an UST system above-grade by exchanging one unit for a like or similar unit, but does not include activities defined as *“repair”* or *“modification.”*

*“Service Technician”* means a non-licensed individual who works for a licensed individual, a licensed company, or is certified by a manufacturer to conduct modification or replacement activities at UST facilities. *“Tester”* means a licensed company or individual who tests tanks, lines, leak detection systems, or monitoring systems, as required by Department rules in chapter 567-135(455B) and this chapter. For the purposes of this definition, an owner, operator or one of their employees performing leak detection or cathodic protection monitoring, as required by Department rules in chapter 567-135(455B) is not a tester.

*“Testing”* means the process of utilizing a system to test underground storage tank systems or any part thereof for tightness, leak detection, cathodic protection or monitoring.

*“Underground storage tank or UST”* means the same as in Department rule 567-135.2(455B).

*“Underground storage tank system”* means an underground storage tank, connected underground piping, underground ancillary equipment, and containment system.

*“Underground storage tank system closure”* means the process of permanently closing underground storage tank systems by removal or filling in place and completion of soil and groundwater testing and reporting as provided in rule 567-135.15.

*“Underground Storage Tank Professional”* means an individual licensed under this part.

*“Upgrade”* means technical improvements to underground storage tank systems including but not limited to replacing, repairing, or installing: piping, leak detection equipment, submersible turbine pump, dispenser pans, sumps, gauging systems, and flex connectors.

*“Withdrawal of a certificate of noncompliance”* means a document provided by the unit certifying that the certificate of noncompliance is withdrawn and that the licensing authority may proceed with issuance, reinstatement, or renewal of an obligor’s license.567—134.18(455B) Applicability of Part C. All persons and companies that are currently licensed under the former board rules in 591—Chapter 15 shall be subject to Part C of this chapter. All persons conducting underground storage tank installations and installation inspections as provided in 567—subparagraph 135.3(1)“e”(2) and installers, installer-inspectors, liners, testers, and removers are required shall be licensed by the department in accordance with this chapter.

**ITEM 2:** Rescind rule 134.18 and replace with the following:

**567—134.18(455B) Applicability of Part C.** All persons and companies that are currently licensed under the former Board rules in 591—Chapter 15 shall be subject to Part of this chapter. All persons conducting underground storage tank installations and installation-inspections as provided in 567—subparagraph 135.3(1)(e)(2) and installers, installer-inspectors, liners, testers, and removers shall be licensed by the department in accordance with this chapter. Service technicians as defined in 567—134.17 are exempted from licensure under this part.

**ITEM 3:** Rescind rule 134.19 and replace with the following:

**567—134.19(455B) General Licensing requirements.** Applications for licenses shall be on a form provided by the department along with all required supporting documentation. Existing licenses as of the effective date of these rules and new licenses shall expire December 31, 2010.

Subsequently, licenses shall be issued and renewed on a two-year calendar basis, beginning January 1, 2011. All applicants must be at least 18 years of age. The applicant shall not have been issued a certificate of noncompliance from the child support recovery unit.

**134.19(1) *Licensing Classifications.*** A separate license will be issued for (1) UST installers and installation-inspectors; (2) UST removers; (3) UST testers; (4) cathodic protection testers; and (5) UST liners.

**134.19(2) *Individual and Company Licenses.*** Companies employing licensed individuals for installation, upgrading, removal, lining or testing of underground storage tank systems shall be registered as a “licensed company.” A company shall lose its license if it fails to employ at least one licensed individual or if it employs unlicensed individuals to do work requiring a license. Individuals who are not companies as defined, see 134.17, need only have an individual license.

**134.19(3) *License Fees.*** A \$200 fee must be submitted with all Company and Individual license applications. Individuals may apply for multiple individual licenses at once, paying only one \$200 processing fee. A “company license” is not an “individual license,” *see* 567–124.20(2). All fees are nonrefundable.

**134.19(4) *License Issuance.*** Upon receipt, review, and acceptance of the application and application fee, the department shall furnish the applicant with a license showing the name of the individual/company and the expiration date. In order to remain valid, the license must be renewed prior to the expiration date specified on the certificate.

**134.19(5) *Environmental Liability Insurance.*** All license holders, to include licensed companies, are required to have environmental liability insurance with minimum liability of \$1,000,000 per occurrence, as well as in the aggregate. Current licenses have 45 days to upgrade upon issuance of these rules.

*a. Licensed company.* A licensed company is required to provide environmental liability insurance for all licensed activities of the company and its licensed UST professionals.

*b. Licensed Individuals.* Each licensed installer, remover, liner, cathodic protection tester, tester, and installation-inspector is required to provide proof of environmental liability insurance covering licensed activities. The insurance may be provided by the licensed company employing the individual, or by the individual licensee.

*c. Insurance Exception.* UST Professionals employed by owners or operators of underground storage tank systems to work only on the owner/operator's private system(s), are exempted from insurance requirements.

*d. Forms of acceptable insurance.* All parties covered by the licensing provisions of this chapter shall provide evidence of environmental liability insurance to the department upon request.

(1) Environmental liability insurance may be provided by a private insurer authorized to do business in Iowa.

(2) Evidence of environmental liability insurance may be provided using methods of self-insurance as outlined in 567—Chapter 136.

**134.19(6) Examinations and Course of Instruction.** Prior to the issuance of a license as an installer, remover, liner, tester, cathodic protection tester, or installation-inspector, the applicant shall successfully complete a department or department-approved course of instruction and pass a qualification examination approved by the department.

*a. Examination requirements for all license holders.*

(1) A passing grade of not less than 85 percent is required on the Iowa examination.

(2) Candidates who have failed the examination may not perform work unless supervised by an appropriately-licensed individual.

(3) A fee reflecting the actual costs of developing and administering each course of instruction and examination shall be charged.

(4) Nothing herein shall limit the right of the department to require additional educational requirements of license holders.

*b. Exceptions on completion of the course of instruction or examination.* All license holders are required to complete the course of instruction except (1) cathodic protection testers, who are only required to maintain NACE certification or Steel Tank Institute Cathodic Protection certification. Testers may qualify for reciprocity under subparagraph (c) below if the department approves the public or private certification or training program completed. For testers, the department will approve or deny the certification based upon a review of the course of instruction, applicable manuals and handouts, and the examination.

*c. Reciprocity.* Persons who are certified under another state or federal regulatory program which has been approved by the department may be eligible for licensure in the State without having to take a course of instruction or pass the examination. However, these individuals must still pay the \$200 application fee and qualify for license renewal by fulfilling continuing education requirements.

*d. Repeat Examination Attempts.* An applicant who fails an initial examination may take a second examination within one calendar year without having to re-take the course of instruction. Failure of the second examination will result in termination of the application. A person may reapply for licensure. The applicant must complete a course of instruction before retaking the certification examination.

**134.19(7) Continuing education.** Each person licensed under this part shall complete a refresher course every two years approved by the department, except for those who are licensed only as cathodic protection testers, who shall maintain NACE or Steel Tank Institute certification or another certification approved by the department. Beginning with the first application for certificate renewal, each UST professional shall provide evidence to the department that at least twelve (12) credit hours of department-approved continuing education have been satisfactorily completed since the last license was issued or renewed and prior to submission of the application for renewal. The department may limit the number of credits granted for similar courses during a renewal period. The requirement for continuing education may be met only by those continuing education offerings which have been approved by the department.

a. Such approval may take the form of:

1. program approval granted by the department to the sponsor or instructor of a continuing education offering;
2. Individual requests for credit granted by the department to an installer or inspector for a continuing education offering whose sponsor or instructor did not seek program approval; or
3. Blanket approval granted by the department to continuing education offerings sponsored by the department or other professional organizations whose standards have been approved by the department.

b. Procedures for Department Approval of Continuing Education Offerings.

1. Application for program approval must be made by the sponsor or instructor to the department and include an agenda or an outline of the content of the proposed offering.
  2. Application must be made at least 45 days prior to the desired effective date of approval
  3. The application must be reviewed by the department, and notice of approval or denial of program approval shall be sent to the sponsor or instructor. Credit hours may be limited by the department based on program content.
- c. Proof of Participation. A certificate of satisfactory completion of a department-approved continuing education offering issued by the sponsor or instructor constitutes sufficient evidence of such satisfactory completion for purposes of meeting the continuing education requirement.

**ITEM 4:** Rescind sub-rule 134.20 and replace with the following:

**567—134.20(455B) License Renewal Procedures.**

*a.* Renewal applications must be made on a form provided by the department and received by the department or postmarked no later than November 1<sup>st</sup> of the license-at-issue's expiration year. The renewal application must be accompanied by the \$200 renewal fee as specified in 567-134.19(3)(455B) and proof of environmental insurance as required under 567-134.19(5)(455B). Applications received after the November 1<sup>st</sup> deadline, but before the January 1<sup>st</sup> expiration date will be accepted, but require an additional \$50 late fee.

*b. Renewal Requirements.* To be eligible for renewal, all continuing education requirements must be fulfilled, along with any other requirements set forth in each license classification section under this part. The department will consider all past disciplinary actions against the licensee when evaluating renewal eligibility.

**ITEM 5:** Rescind rule 134.21 and replace with the following:

**567—134.21(455B)—Conflict of Interest.** A licensed individual or a licensed company may not conduct an UST installation-inspection at any facility at which the licensee engaged in professional services which are regulated under this part; e.g., installations, modifications, repairs, or replacements of UST systems.

Persons working for a licensed company as an installer, liner, remover, or tester may only provide services as an installation-inspector on sites that are being installed or lined by their prior employer six months after leaving the licensed company.

If a licensed individual leaves the employment of a licensed company, the licensed company shall notify the department within 30 days of that occurrence.

**ITEM 6:** Rescind sub-rule 134.22 and replace with the following:

**567–134.22(455B) Duty to report.** Any UST Professional licensed under this part has a duty to report suspected and confirmed releases to the owner/operator of the UST site and to the department.

**ITEM 7:** Rescind rule 134.23 and replace with the following:

**567–134.23(455B) OSHA safety requirements.** All licensed individuals and companies regulated under this chapter will conduct their work as required by OSHA safety requirements defined under 29 C.F.R. § 1910 (2006). OSHA standards apply whenever flammable, combustible or hazardous materials are present, especially during the following activities:

- a. Excavating, placing underground storage tank systems in excavations, and ballasting underground storage tank systems with flammable, combustible, or hazardous materials.
- b. Purging, cleaning, and removal of underground storage tank systems which have contained flammable, combustible, or hazardous materials.
- c. Testing as a part of an installation or after the system has been placed in service.

**ITEM 8:** Rescind rule 134.24 and replace with the following:

**567—134.24(455B)–Installers.**

**134.24(1) Licensure Qualifications.** Installers of underground storage tank systems shall apply for a license as an installer and shall indicate on the license application the types of installations

and upgrade procedures they use. In addition to the licensing requirements listed under 567-134.19(455B), installers must: (1) provide documentation of at least two years of relevant experience, (2) provide documentation of manufacturer certification for past installations and proof of current certification for future work covering, but not limited to: tank systems, piping systems, leak detection and monitoring systems, and corrosion protection systems, and (3) have completed at least 40 hours of OSHA training.

**134.24(2) *Renewal Qualifications.*** To be eligible for license renewal, installers must: (1) fulfill the department's continuing education requirements in 567-134.19(455B), (2) maintain manufacturer certification where available, notifying the department within 30 days if it is ever lost, and (3) complete the annual 8-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) refresher course.

**134.24(3) *Responsibilities of installers.*** A licensed installer shall be on site during the performance of all work, including subcontracted work, for which the owner/operator has contracted to have completed by the installer. The licensed installer is responsible for all UST-related work at the site and must ensure that the performance of the work and the finished work conform to industry standards and codes and manufacturers' requirements. The licensed installer is responsible for ensuring all local installation permits and notice requirements are satisfied. Tank installation includes all work associated with the placement of the tanks, pipes, pumps, dispensers, gauging systems, monitoring systems, corrosion protection, containment devices, and ancillary systems which, if installed incorrectly, could cause or delay detection of a leak. This specifically includes excavation, equipment placement, backfilling, piping, electrical work, testing calibration, and start-up. Tank installation work also includes installing the appropriate equipment to meet the National Emissions Standards for Hazardous Air Pollutants (NESHAP) requirements (40 C.F.R. § 63.6580, subpart ZZZZ), including submerged fill and a vapor balance systems (stage 1 vapor recovery) and the testing of those systems.

Installers shall have on their persons at all times while on an UST job site a 40-hour General Site Worker Program Identification Card or any valid Refresher Cards that comply with OSHA standards.

**134.24(4) *Documentation of work performed.*** Installing a new UST system or upgrading an UST system requires submitting a copy of an owner-signed DNR Form 148 to the department.

Each licensed installer responsible for the new system installation or the upgrading of an existing system shall sign the DNR Form 148 as required by 567—135.3(3)“e.”

**ITEM 9:** Rescind rule 134.25 and replace with the following:

**567—134.25(455B) Testers.** Testers of underground storage tank systems shall apply for licensing as a tester and note on the license application the systems and method(s) of testing they will use. In addition to the licensing requirements listed under 567-134.19(455B), testers must: (1) provide documentation of at least two years of relevant experience, (2) provide documentation of manufacturer certification for past testing and proof of current certification for future work

**134.25(1) *Renewal Qualifications.*** To be eligible for license renewal, testers must: (1) fulfill the department’s continuing education requirements in 567–134.19(455B) and (2) maintain manufacturer certification, notifying the department within 30 days if it is ever lost

**134.25(2) *Documentation of work performed.*** A copy of the test results shall be attached to the DNR Form 148 when testing is done in connection with a new installation or the upgrading of an existing underground storage system. A precision test is required when the system is covered and is ready to be placed into service; a volumetric, non-volumetric, or vacuum test may be used as a method for testing the system and a hydrostatic pressure test may be used for testing the lines. Systems used for leak detection or monitoring – such as statistical inventory reconciliation, vapor or water monitoring wells, or tracer type tests – shall not be acceptable as a precision test at the completion of the installation of a new or upgrading of an existing system. Automatic in–tank gauging may be acceptable if third–party U.S. EPA approval as a precision test has been received for testing tanks.

*a.* The test results shall identify the tanks tested, the test method employed, the results of the test, and shall be dated and signed by the licensed tester performing the tests.

*b.* The original DNR Form 148 without attachments shall be mailed to the department.

*c.* Installation-inspectors are not required for testing underground storage tank systems, lines, leak detection, and cathodic protection as required by 567—Chapter 135 after the system has been put into service.

**ITEM 10:** Rescind rule 134.26 and replace with the following:

**567—134.26(455B) Liners.** In addition to the licensing requirements listed under 567-134.19(455B), Liners must: (1) provide documentation of at least two years of relevant experience, (2) provide documentation of manufacturer certification for past linings and proof of current certification for future work, and (3) have completed at least 40 hours of OSHA training.

**134.26(1) *Renewal Qualifications.*** To be eligible for license renewal, liners must: (1) fulfill the department's continuing education requirements in 567-134.19(455B), (2) maintain manufacturer certification, immediately notifying the department if it is ever lost, and (3) complete the annual 8-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) refresher course.

**134.26(2) *Lining system investigation and installation requirements.***

a. A steel underground storage tank that satisfies the corrosion protection requirement as set forth in Chapter 135.3(2)“b”(1) by the addition of an internal lining must be internally inspected within 10 years of the date the tank was lined and every 5 years thereafter. The purpose of the inspection is to determine if the lining continues to perform according to the manufacturer's specifications, state and federal rules, and national standards and codes and to determine if the tank is still structurally sound. The department accepts both manned entry and video camera periodic inspections. The lining method employed must be specifically designed for the purpose, compatible with the product stored, and meet acceptable federal and state standards as set forth in 567-Chapter 135.

b. Integrity testing for tanks. Liners shall verify structural integrity, to include thickness and strength of the underground storage tanks, whenever tanks are physically entered (manned entry) for periodic inspections.

The following standards must be used for lining periodic inspections and integrity testing:

- i. Physical (manned entry) inspection: American Petroleum Institute (API) Standard 1631: *Interior Lining and Periodic Inspection of Underground Storage Tanks*.
- ii. Video camera inspection: (1) API Standard 1631; (2) *Recommended Practice for Inspecting Buried Lined Steel Tanks Using a Video Camera* developed by Ken Wilcox

Associates Inc. (KWA), Methods A and C; and ASTM G-158 (approved prediction models).

iii. Repairs to lining: Standard 631 of the National Leak Prevention Association (NLPA): *Entry, Cleaning, Interior Inspection, Repair and Lining of Underground Storage Tanks*. Repaired lining must meet the requirements of API 1631, § 8.

iv. Documentation of the inspection: API 1631 – Form C: *Tank Re-Inspection Affidavit*.

Liners shall document any defects noted in the system, to include but not limited to, holes and perforations. Liners shall document via a report using standard API 1631—Form C: Tank Re-Inspection Affidavit and photographs all methods of repair.

**134.26(3) Responsibilities of Liners.** Liners shall have on their persons at all times while on an UST job site a 40-hour General Site Worker Program Identification Card or any valid Refresher Cards that comply with OSHA standards.

134.26(4) *Documentation of work performed.* Liners shall submit the API 1631 report form to the department, certifying all work was performed in accordance with applicable industry standards.

**ITEM 11:** Rescind rule 134.27 and replace with the following:

**567—134.27(455B) Installation-inspectors.** In addition to the licensing requirements listed under 567-134.19(455B), installation-inspectors must: (1) provide documentation of at least one year of experience with underground storage installations, testing, inspecting, or design and (2) documentation of manufacturer certification for past work and proof of current certification for future work. Engineers that have met requirements in Iowa to be a registered professional engineer (P.E.) may be exempt from the educational requirement so long as UST installation is in the scope of their P.E. license and regular practice as provided for in rule 567-134.19(455B); however, engineers are never exempt from fulfilling the examination requirement.

**134.27(1) Renewal Qualifications.** To be eligible for license renewal, installation-inspectors must: (1) fulfill the department's continuing education requirements in 567-134.19(455B) and (2) maintain manufacturer certification, notifying the department within 30 days if it is ever lost.

**134.27(2) *Documentation of work performed.***

a. A copy of the inspection report must be submitted within 14 days after the inspection is complete. Both the inspection form and the DNR Form 148 must be received before the UST system can be activated.

b. A licensed installation-inspector shall inspect the job site a minimum of three times during the course of the new tank installation or system upgrade.

c. New installations shall have one of the inspections take place prior to placing the UST system in the ground. The second inspection shall occur before the covering of the system, when all tanks and pipes are exposed. The inspector shall witness testing of the primary and secondary piping and testing of the secondary containment, including sumps, under dispenser containment, and secondary containment leak detection equipment. The final inspection shall take place when all systems are operational and the system has been covered, but shall occur prior to actual operation. The installer-inspector shall be present on site and visually observe all inspections and be able to attest to the results. A video or other recording device showing the work completed by the installer shall not be used nor shall it be an acceptable method of providing independent inspection of the work completed.

134.27(3) *Inspection Required.* When concrete is cut or excavation is required that could affect the integrity or operation of the UST system or when a component that routinely contains product is installed, replaced or repaired, one inspection is required. This inspection must occur when the component is uncovered and replaced or repaired but before operation recommences. . . Whenever secondary containment is installed, such as UDC or sump, at least one inspection is required after the equipment is installed and before it is backfilled. .

134.27(4) *Inspection Not Required.* Replacing, repairing or installing the following do not require an inspection: drop tubes, overfill devices, spill buckets, installation of ATG systems, dispensers, submersible turbine pumps, automatic line leak detectors, internal periodic lining inspections or lining repair, cathodic protection systems, interstitial sensors, flex connectors, line and tank tightness testing.

**134.27(5) *Pre-Work Notification Requirement.***

a. A licensed company/individual hired by an owner/operator to perform work must notify the owner/operator's licensed installation-inspector of choice prior to commencing

work. Additionally, the owner/operator is responsible for supplying the name of the installation-inspector if it is not a governmental entity to any state or local agency with rules affecting installations or upgrades.

*b.* The pre-work notice given to the installation-inspector shall include, at a minimum, the following information:

- i.* Description of the work planned.
- ii.* The licensed individual responsible for the work to be performed.
- iii.* A schedule of the work to be performed.
- iv.* A copy of the UST notification of intent to install form submitted to the department.

The installation-inspector shall review the work plan, and any required changes by the installation-inspector must be submitted to the company/individual prior to the beginning of the described work. An inspection schedule must be agreed upon before work commences. Changes to the work schedule, to include the inspection schedule, because of weather or unforeseen job-site conditions shall be agreed upon as soon as the extenuating circumstances are recognized.

*134.27(6) Pre-Installation and Installation Checklists.*

*a.* The licensed company/individual performing work shall submit a “Notification of Intent to Install” form 30 days prior to an installation or upgrade to both the installation-inspector and the department.

*b.* Installation-inspectors are required to use the department’s installation inspection checklist. The installation inspection checklist must be submitted within 14 days following the tank installation-inspection.

*134.27(7) Conflict-of-interest.* In addition to the conflict-of-interest provisions outlined in 567-134.21(455B), the following apply to installation-inspectors:

*a.* If the installation-inspector establishes a contract to perform inspection services for an owner or operator, or performs more than five inspections per calendar year for any one owner

or operator , then the installation-inspector is required to disclose that relationship in writing to the department within 30 days of the fifth inspection.

b. The department may require the owner or operator to seek alternative inspection services for any reason deemed prudent to ensure quality installations.

134.27(8) *Miscellaneous Requirements*. An installation-inspector has the right to keep work from starting or to stop work on a job if standards as outlined herein are not followed by the installer. Furthermore, once an installation-inspector has been placed on a job, that installation-inspector cannot be replaced without the department's approval. Installation-inspectors must verify any local permit and notice requirements are in place .

**ITEM 12:** Rescind rule 134.28 and replace with the following:

567-134.28(455B) Removers. In addition to the licensing requirements listed under 567-134.19(455B), removers must: (1) provide documentation of at least two years of removal or other relevant experience and (2) complete at least 40 hours of OSHA training. Engineers that have met requirements in Iowa to be a registered professional engineer (P.E.) may be exempt from the licensure requirements under 567–134.19(455B) so long as UST-related work is in the scope of their P.E. license and regular practice. Engineers are not exempt from fulfilling the examination requirement in 567-134.20(6).

**134.28(1) *Renewal Qualifications*.** To be eligible for license renewal, removers must: (1) fulfill the department's continuing education requirements in 567–134.19(455B), (2) comply with all local permitting and notice requirements, (3) comply with department-issued UST closure guidance, and (4) complete the annual 8-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) refresher course.

134.28(2) *Responsibilities and Documentation of Work Performed*. A licensed remover shall be on-site during the performance of all UST closure-related work, including subcontracted work, for which the owner/operator has contracted to have completed by the remover. Removers are responsible for ensuring that all work performed complies with the safety requirements of OSHA. Removers shall submit to the department a “notification of closure” form 30 days prior the scheduled removal or fill-in-place as required in 567-135.15(2)(455B). Removers shall

submit to the department the “closure report” within 45 days of removal or fill-in-place as required in 567-135.15(3)“e”(455B). Removers shall ensure that all local permits and notice requirements are satisfied. Removers shall have on their persons at all times while on an UST job site a 40-hour General Site Worker Program Identification Cards or any valid Refresher Cards that comply with OSHA standards. Removers may collect soil and groundwater samples as required by 567–135.15(3) only if they are certified groundwater professionals under Chapter 134, Part A.

**ITEM 13:** Add new rule 134.29:

**567–134.29(455B) Disciplinary Actions**

**567–134.29(1) *General Policy.*** It is the policy of the department to enforce standards of professional and ethical conduct which are generally accepted within the professions which qualify person for licensure in Iowa under this part. The department intends to investigate and enforce standards of conduct by licensees which fall within the scope of their professional relationship with the department, their clients, and other state regulatory agencies. The department may impose disciplinary actions which may include, but are not limited to, notice of deficiency; probationary notices; suspension, revocation, and denial of a license. The criteria identified in the 134-30(3) and 30(4) below will be utilized by the department in deciding whether to issue a first-time or renew an already-issued license.

**567–134.29(2) *Notice of Deficiency or Probation.*** A notice of deficiency or probationary notice shall not be an appealable decision. The recipient of a notice may contest the basis for the notice in writing, and such response shall be made part of the certification record. A person subject to a notice to suspend or revoke a license may appeal the notice as provided in 567–Chapter 7.

**567–134.29(3). *Suspension.***

*a.* The department may suspend the license of any individual or company for good cause for either a single act or omission or repeated acts or omissions. The suspension of a company or individual licensee shall prevent the company or person from engaging in activities for which the license is required. The suspension may require the licensee to take remedial measures intended to correct or prevent future acts or omissions. Good cause includes, but is not limited to:

- i. A violation of these rules.
- ii. Negligent misrepresentation of material facts in a report submitted to the department.
- iii. Incompetence on the part of the licensee as evidenced by errors in the performance of duties and activities for which the license was issued.
- iv. Repeated failure to submit reports of activities to the department or the owner and operator as provided in this chapter.

b. The department may require that the licensee complete a special training program, examination, or other remedial measures sponsored or approved by the department and designed to strengthen the specific weakness in the licensee's performance of duties as identified in the suspension order.

c. A licensed company or individual shall immediately surrender the applicable license to the department as of the effective date of a suspension order. The department may reinstate the license if it is determined the person has satisfied the terms of the suspension order and the license is not expired.

567–134.29(4) *Revocation.*

a. The department may revoke the licensee of a company or individual for one or more of the following:

- i. Willful disregard of, or willful or repeated violations of, this chapter or 567-Chapter 135(455B).
- ii. Fraudulent omissions or misstatements of material facts in a report or in other written or oral communications with the department.
- iii. A knowing and willful failure to detect and report a material violation of UST operation and maintenance standards.
- iv. Acts or omissions warranting suspension after having a license previously suspended.

b. A licensee shall immediately surrender the license after the effective date of the revocation decision.

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